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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,990	07/02/2001	Michael John Bader	2001B053	1190
23455	7590	06/02/2004	EXAMINER	
EXXONMOBIL CHEMICAL COMPANY				
P O BOX 2149				
BAYTOWN, TX 77522-2149				
			ART UNIT	PAPER NUMBER
			1773	

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/896,990

Examiner

Monique R Jackson

Applicant(s)

BADER ET AL.

Art Unit

1773

*ED*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b)

## Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-648)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/31/04 has been entered.
2. Claims 15-33 are pending in the application. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Objections***

3. Claims 19-24 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 19 recites the limitation "The biaxially oriented, multilayer film of claim 19" and hence is a dependent claim depending upon itself. Similarly Claim 20 recites the limitation "The biaxially oriented, multilayer film of claim 20" wherein Claims 21-24 depend from Claim 20.
4. Claim 28 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 28 recites that the second skin layer has a layer of metal deposited thereon, however Claim 28 depends from Claim 27 which depends from Claim 26 which also recites that the second skin layer has a layer of metal deposited thereon.

***Claim Rejections - 35 USC § 112***

5. Claims 29-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement for the reasons recited in the prior office action. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 29 recites that the second skin layer has a thickness of 1.5-3.5 $\mu$ m, however as recited in the office action mailed 12/31/03 (Final Rejection), the original disclosure at the time of filing does not provide support for the 3.5 $\mu$ m endpoint.

6. Claims 19-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As stated above, Claims 19 and 20 recite the limitation "The biaxially oriented, multilayer film of claim 19 [20] wherein", respectively, and hence it is unclear as to what is meant to be encompassed by the claims.

***Claim Rejections - 35 USC § 103***

7. Claims 15-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bader et al (USN 5,753,363) in view of Nagai et al for the reasons recited in Paper No. 6, dated 2/26/03, and restated below, assuming Claims 19 and 20 depend from any of the previous claims.

Bader et al teach a biaxially oriented, heat sealable metallizable multilayer film comprising an isotactic polypropylene core (b); an olefin external surface layer (a) comprising EPB; a metallizable skin layer (c) preferably comprising HDPE; a metal layer preferably aluminum deposited on the metallizable skin layer (c); wherein the core layer comprises 70-95%

Art Unit: 1773

of the thickness of the film and each skin layer, for example, comprises 6% of the thickness; and wherein skin layer (a) and/or (c) can comprise additional antiblock particles other than the crosslinked polysiloxane particles wherein a major proportion of these particles will be of such a size that a significant portion of their surface area will extend beyond the exposed surface of such skin layer (Abstract; Col. 2, lines 31-62; Col. 3, lines 20-22 and lines 38-60; Col. 4, lines 43-67; Col. 5, lines 1-12 and lines 16-28; Col. 6, lines 14-26; Examples.)

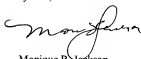
Bader et al do not specifically teach the size of the antiblock or PMMA particles or the thickness of the layers as instantly claimed, however, it is well known in the art that layer thickness is a result-effective variable affecting the mechanical and sealing properties of the resulting multilayer film and hence one having ordinary skill in the art at the time of the invention would have been motivated to utilize routine experimentation to determine the optimum layer thickness for a particular end use. Further, with regards to the PMMA antiblocking particles, Nagai et al teach that crosslinked PMMA particles in an amount of 0.05 to 0.5 wt% and having a particle size of 0.5 to 4 $\mu$ m being selected in a range of 0.7 to 2 times the thickness of a polyolefin surface layer of a biaxially oriented polypropylene film provides anti-scratching properties, lubrication and anti-blocking properties to the film. Therefore, one having ordinary skill in the art at the time of the invention would have been motivated to utilize PMMA particles having a particle size up to 2 times the thickness of the surface layer as taught by Nagai et al in the invention taught by Bader et al, utilizing routine experimentation to determine the optimum particle size and amount to provide the desired antiblocking properties for a particular end use.

Art Unit: 1773

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J Thibodeau can be reached on 571-272-1516. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Monique R. Jackson  
Primary Examiner  
Technology Center 1700  
May 28, 2004